

Man held in reported Forestville rape may be cleared



El Molino High School (Photo: Stepheng3 at en.wikipedia)



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A man suspected of raping a woman at knife point after hours on the El Molino High School campus was to be released from jail Thursday after prosecutors said they found evidence that may clear him of the assault.

Sheriff's officials initially said a masked David J. Kocalis, 24, of Guerneville sneaked up behind the woman Aug. 30, held a knife to her and raped her near the Forestville school's tennis courts.

He was arrested the next day on charges carrying a possible life sentence after the woman identified a prominent tattoo, and the car he was driving was captured on videotape.

But prosecutor Brian Staebell said Thursday investigators have since uncovered evidence that may point to his innocence. A judge allowed Kocalis, who had been held on \$1.2 million bail, to be released on his own recognizance.

His lawyer, Evan Zelig, said a review of cellphone records showed Kocalis and the 18-year-old woman knew each other. Earlier in the day, she sent him a text message inviting Kocalis for sex, Zelig said.

Their tryst began inside his borrowed Porsche SUV but moved to a spot near the tennis courts because the car's alarm kept going off, Zelig said.

After it was over, Kocalis drove the woman home, the lawyer said. She fabricated a story about being raped because she missed her curfew and Kocalis refused to lend her \$20, Zelig said.

"It was determined her story was not credible whatsoever," Zelig said outside court. "It was completely made up."

Zelig said he brought the new information to sheriff's investigators who analyzed both cellphones. They confirmed the messages as well as attempts by the woman to delete her own texts, Zelig said.

Staebell declined to discuss details other than to say a review was ongoing. Judge Robert LaForge ordered Kocalis to return to court Oct. 6 for further proceedings.

Prosecutors could announce then that they are dropping the charges.

"We have an obligation to find the truth," Staebell said. "We're going through the forensic evidence with a fine-toothed comb and doing everything we can to determine what occurred during this incident."

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